

AMENDED IN SENATE SEPTEMBER 3, 2013

AMENDED IN SENATE JUNE 25, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

AMENDED IN ASSEMBLY APRIL 4, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 610

Introduced by Assembly Member Achadjian

February 20, 2013

An act to amend Section 2970 of the Penal ~~Code~~ *Code*, and to amend Section 4117 of the Welfare and Institutions Code, relating to state hospitals.

LEGISLATIVE COUNSEL'S DIGEST

AB 610, as amended, Achadjian. State hospitals: involuntary treatment.

Existing law requires, prior to the termination of parole or release from prison, as specified, of a parolee or prisoner with a severe mental disorder that is not in remission or cannot be kept in remission without treatment, that a written evaluation on remission be submitted to the district attorney of the county in which the parolee is receiving outpatient treatment, or for those in prison or in a state mental hospital, the district attorney of the county of commitment.

This bill would specify that, in the case of a person who is in a prison or in a state mental hospital, that the written evaluation on remission

be submitted to the district attorney of the county of commitment to prison.

Existing law requires a county to submit a statement of all mental health treatment costs and a separate statement of nontreatment ~~costs, to be submitted~~ costs to the State Department of State Hospitals and the Controller, respectively, when a trial or hearing is held for specified inmates of state hospitals, including trials for persons charged with escape from a state hospital and trials for persons who commit a crime while confined in a state hospital.

This bill would make these provisions applicable to hearings for an order seeking involuntary treatment *with psychotropic medication, or any other medication for which an order is required*, of a person confined in a state ~~hospital with psychotropic medication or other medication for which an order is required~~ hospital.

Existing law authorizes a district attorney to file a petition for continued involuntary treatment for one year of a prisoner who refused to agree to treatment as part of parole, if the prisoner's severe mental disorder is not in remission or cannot be kept in remission without treatment and the prisoner represents a substantial danger of physical harm to others.

This bill would require the nontreatment costs associated with any hearing for the involuntary medication of a person committed under this provision to be paid by the county of commitment, as defined, *as specified*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2970 of the Penal Code is amended to
2 read:
3 2970. (a) Not later than 180 days prior to the termination of
4 parole, or release from prison if the prisoner refused to agree to
5 treatment as a condition of parole as required by Section 2962,
6 unless good cause is shown for the reduction of that 180-day
7 period, if the parolee's or prisoner's severe mental disorder is not
8 in remission or cannot be kept in remission without treatment, the
9 medical director of the state hospital that is treating the parolee,
10 or the community program director in charge of the parolee's
11 outpatient program, or the Secretary of the Department of

1 Corrections and Rehabilitation, shall submit to the district attorney
2 of the county in which the parolee is receiving outpatient treatment,
3 or for those in prison or in a state mental hospital, the district
4 attorney of the county of commitment to prison, his or her written
5 evaluation on remission. If requested by the district attorney, the
6 written evaluation shall be accompanied by supporting affidavits.

7 (b) The district attorney may then file a petition with the superior
8 court for continued involuntary treatment for one year. The petition
9 shall be accompanied by affidavits specifying that treatment, while
10 the prisoner was released from prison on parole, has been
11 continuously provided by the State Department of State Hospitals
12 either in a state hospital or in an outpatient program. The petition
13 shall also specify that the prisoner has a severe mental disorder,
14 that the severe mental disorder is not in remission or cannot be
15 kept in remission if the person's treatment is not continued, and
16 that, by reason of his or her severe mental disorder, the prisoner
17 represents a substantial danger of physical harm to others.

18 SEC. 2. Section 4117 of the Welfare and Institutions Code is
19 amended to read:

20 4117. (a) Whenever a trial is had of any person charged with
21 escape or attempt to escape from a state hospital, whenever a
22 hearing is had on the return of a writ of habeas corpus prosecuted
23 by or on behalf of any person confined in a state hospital except
24 in a proceeding to which Section 5110 applies, whenever a hearing
25 is had on a petition under Section 1026.2, subdivision (b) of Section
26 1026.5, Section-2966 2966, or Section 2972 of the Penal Code,
27 Section 7361 of this code, or former Section 6316.2 of this code
28 for the release of a person confined in a state hospital, whenever
29 a hearing is had for an order seeking involuntary treatment *with*
30 *psychotropic medication, or any other medication for which an*
31 *order is required*, of a person confined in a state hospital-~~with~~
32 ~~psychotropic medication or other medication for which an order~~
33 ~~is required~~, pursuant to Section 2962 of the Penal Code, and
34 whenever a person confined in a state hospital is tried for a crime
35 committed therein, the appropriate financial officer or other
36 designated official of the county in which the trial or hearing is
37 had shall make out a statement of all mental health treatment costs
38 and shall make out a separate statement of all nontreatment costs
39 incurred by the county for investigation and other preparation for
40 the trial or hearing, and the actual trial or hearing, all costs of

1 maintaining custody of the patient and transporting him or her to
2 and from the hospital, and costs of appeal, which statements shall
3 be properly certified by a judge of the superior court of that county.
4 The statement of mental health treatment costs shall be sent to the
5 State Department of State Hospitals and the statement of all
6 nontreatment costs, except as provided in subdivision (c), shall be
7 sent to the Controller for approval. After approval, the department
8 shall cause the amount of mental health treatment costs incurred
9 on or after July 1, 1987, to be paid to the county mental health
10 director or his or her designee where the trial or hearing was held
11 out of the money appropriated for this purpose by the Legislature.
12 In addition, the Controller shall cause the amount of all
13 nontreatment costs incurred on and after July 1, 1987, to be paid
14 out of the money appropriated by the Legislature, to the county
15 treasurer of the county where the trial or hearing was had.

16 (b) Commencing January 1, 2012, the nontreatment costs
17 associated with Section 2966 of the Penal Code and approved by
18 the Controller, as required by subdivision (a), shall be paid by the
19 Department of Corrections and Rehabilitation pursuant to Section
20 4750 of the Penal Code.

21 (c) ~~Commencing January 1, 2014, the~~ *The* nontreatment costs
22 associated with any hearing for an order seeking involuntary
23 treatment with psychotropic medication, or any other medication
24 for which an order is required, of a person confined in a state
25 hospital pursuant to Section ~~2970~~ 2972 of the Penal Code, as
26 provided in subdivision (a), shall be paid by the county of
27 ~~commitment in accordance with the provisions of Section 5110.~~
28 *commitment*. As used in this subdivision, “county of commitment”
29 means the county seeking the continued treatment of a mentally
30 disordered offender pursuant to Section ~~2970~~ 2972 of the Penal
31 Code. *The appropriate financial officer or other designated official*
32 *of the county in which the proceeding is held shall make out a*
33 *statement of all of the costs incurred by the county for the*
34 *investigation, preparation, and conduct of the proceedings, and*
35 *the costs of appeal, if any. The statement shall be certified by a*
36 *judge of the superior court of the county. The statement shall then*
37 *be sent to the county of commitment, which shall reimburse the*
38 *county providing the services.*

39 (d) (1) Whenever a hearing is held pursuant to Section 1604,
40 1608, 1609, or 2966 of the Penal Code, all transportation costs to

1 and from a state hospital or a facility designated by the community
2 program director during the hearing shall be paid by the Controller
3 as provided in this subdivision. The appropriate financial officer
4 or other designated official of the county in which a hearing is
5 held shall make out a statement of all transportation costs incurred
6 by the county. The statement shall be properly certified by a judge
7 of the superior court of that county and sent to the Controller for
8 approval. The Controller shall cause the amount of transportation
9 costs incurred on and after July 1, 1987, to be paid to the county
10 treasurer of the county where the hearing was had out of the money
11 appropriated by the Legislature.

12 (2) As used in this subdivision, "community program director"
13 means the person designated pursuant to Section 1605 of the Penal
14 Code.

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